IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6459 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BS BAROT

Versus

STATE OF GUJARAT

Appearance:

MR DG CHAUHAN for Petitioners

MR SAMIR DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/2000

ORAL JUDGEMENT

1. It is not in dispute that all the orders, impugned in this special civil application result in reduction of pay scale of the petitioners and consequential order for recovery of excess amount paid, have been passed without giving notice and an opportunity

of hearing to them.

2. If the existing pay scale in which the employees are drawing the pay is changed and it is lower down then certainly it ensues civil consequences and even if the order is taken to be administrative one, the principles of natural justice are to be followed. That precisely has not been done. This Court has admitted this petition and interim relief has also been granted.

3. Only on this short ground, this petition succeeds and the same is allowed and the impugned orders annexures, C, E, H and I are quashed and set aside. However, it is open to the respondents to pass the orders afresh in accordance with law after giving notice and an opportunity of hearing to the petitioners. Rule is made absolute accordingly with no order as to costs.

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